II. REMARKS

A. The Final Office Action

In the Final Office Action, pending claims 7-8 are rejected under 35 U.S.C. § 103.

In summary of this Response, all rejected claims are canceled, new claims 9 and 10 are added, and remarks are provided.

1. Clarification of the Record

The Final Office Action notes that it is responsive to a communication filed July 8, 2005, but no communication was filed July 8, 2005. Applicant's last communication, the Response to the March 9, 2005 Office Action, was filed June 22, 2005. A copy of the date stamped post card is attached showing this receipt date by the U.S. Patent and Trademark Office.

B. Grounds for Entry of this Response Pursuant to 37 C.F.R. 1.116 and Allowance of this Application

Applicant requests entry of this Rule 116 Response because: (a) the rejected claims 7-8 have been canceled; (b) it is believed that new claims 9-10 are in condition for allowance; (c) the new claims 9-10 were not earlier presented because Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and (d) the new claims 9-10 should not entail any further search by the Examiner since no new features are being added or new issues being raised.

At a minimum, while this amendment presents additional claims, it also cancels the only finally rejected claims, to this application should be in better condition for appeal. Ex Parte Wirt, 1905 C.D. 247, 117 O.G. 599 (Comm'r Pat. 1905).

C. Rejection and Response

New claims 9 and 10 include further definition of, e.g., the first and second repeater structure and function, and the signals transmitted along the transmission lines. These claims find support at, e.g., the description on page 19, lines 9-18, Figs. 7 and 8, page 20, line 25 through page 21, line 4, and Figs. 9 and 10.

More particularly, new claim 9 recites that first and second repeaters are optically connected by a first optical transmission line transmitting a first optical main signal and a first optical supervisory channel ("OSC") signal which is produced by modulating a first light signal of a wavelength emitted from a first light source from the first repeater to the second repeater, and a second optical transmission line transmitting a second optical main signal and a second OSC

signal which is produced by modulating a second light signal of a wavelength emitted from the second light source from the second repeater to the first repeater. The first light signal is separated into a first optical supervisory signal by a first splitter which is provided between the first light source and a first modulation control part. The second light signal is separated into a second optical supervisory signal by a second splitter which is provided between the second light source and a second modulation control part. The second repeater transmits the first optical supervisory signal to the first repeater along the first optical transmission line. The first repeater transmits the second optical supervisory signal to the second repeater along the second optical transmission line. When a first fault occurrence recognizing part recognizes a level of the first optical supervisory signal below a predetermined threshold level, the first fault occurrence recognizing part prevents only a first amplifier from amplifying the first optical main signal. When a second fault occurrences recognizing part recognizes a level of the second optical supervisory signal below a predetermined threshold level, the second fault occurrence recognizing part prevents only a second amplifier from amplifying the second optical main signal.

New claim 10 recites that the first and second repeaters are optically connected by a first optical transmission line transmitting a first optical main signal and a first OSC signal from the first repeater to the second repeater, and a second optical transmission line transmitting a second optical main signal and a second OSC signal from the second repeater to the first repeater. The second repeater transmits the second OSC signal serving as a first optical supervisory signal to the first repeater along the first optical transmission line. The first repeater transmits the first OSC signal serving as a second optical supervisory signal to the second repeater along the second optical transmission line. When the first fault occurrence recognizing part recognizes a level of the first optical supervisory signal below a predetermined threshold level, the fault occurrence recognizing part prevents only the first amplifier from amplifying the first optical main signal. When the second fault occurrence recognizing part recognizes a level of the second optical supervisory signal below a predetermined threshold level, the second fault occurrence recognizing part prevents only the second amplifier from amplifying the second optical main signal.

The Maroney reference fails to disclose the structure or functions of claims 9 and 10. Most particularly, Maroney shows optical amplifiers (5,10) respectively connected only by a single optical transmission line (2_1 or 2_2). Maroney fails to disclose at least two repeaters connected by two optical transmission lines for two way traffic signals. Also, Maroney is not capable of using fault occurrence recognizing parts, as recited herein, to shut down a first or a second amplifier, based on a level of an optical supervisory signal.

III. CONCLUSION

In view of the foregoing actions taken by Applicant, it is believed this Rule 116 Response places this application in condition for allowance, and therefore should be entered and a Notice of Allowance issued for claims 9 and 10.

If there are any remaining formal matters that need to be attended to in this application, it is requested that the Examiner contact the undersigned attorney at the below-identified telephone number at the Examiner's convenience.

If any additional fee is required in connection with the filing of this Response, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 1/12/06

By: _____
William F. Herbert
Registration No. 31,024

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501